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W.P.No.13741 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2024

CORAM

THE HON'BLE Dr.JUSTICE **G.JAYACHANDRAN**

W.P.No.13741 of 2024

S.Peter

... Petitioner

Vs.

1.The Director General of Police,
Kamarajar Salai,
Chennai

2.The Superintendent of Police,
Thiruvannamalai District,
Thiruvannamalai.

3.The Deputy Superintendent of Police,
Thiruvannamalai District,
Thiruvannamalai.

4.The Inspector of Police,
Chetpat Police Station,
Thiruvannamalai District.

5.Jaya

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to take necessary action and fair investigation to unearth the truth of



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death of my father Selvadurai S/o.Dinesh aged 72 years, as per the petitioner's remainder representation dated 13.05.2024 within stipulated time fixed.

For Petitioner : Mr.R.Sankarasubbu
for Mr.T.Balachandran

For R1 to R4 : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)

ORDER

Selvadurai, a 78 years old man died on 03.05.2024. The deceased person had privilege of multiple life partners during his life time. After his death, his life partners had quarreled. The police has interfered and recorded statement of Kala, Jaya and others. Now his son Peter is before this Court stating that he has sent a representation through online on 04.5.2024 suspecting the death of his father and the same has not been taking into consideration by the police.

2. The learned Government Advocate (Crl.Side) appearing for the respondent police on perusing the CD file submitted that the said Peter, who is the petitioner herein, also participated in the enquiry on the day of his father's death. There was a rival claim about taking the body of the deceased and he has not expressed any suspicious about his father's



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death. Therefore, his request to conduct postmortem after exhuming the body does not arise.

3. This Court after hearing the learned counsel for the petitioner and learned Government Advocate (Crl.Side) finds that even on the date of death, there was claim over the body between Peter, who is the son of predeceased wife of Selvadurai and the surviving wives Kala and Jaya. The police has recorded the statement and handed over the body to Jaya who is the 5th respondent in this petition. While fact being so, since the death has occurred more than one month ago, body been buried after enquiry and no indication of suspicious death of 78 years old man, this Court is of the view that exhuming the body is not required, however, it is necessary to investigate the complaint given by the petitioner herein and look into the angle of suspicious raised and conduct a proper investigation. If there is any material to take cognizance of any offence, same has to be done in accordance with law. The conclusion of the investigation shall be communicated to the petitioner herein.

